

LIMERICK CITY COUNCIL

A Monthly Meeting of Limerick City Council was held in the Council Chamber, City Hall, on Monday, 26th March, 2012 at 4.00 p.m.

The following were in attendance :

IN THE CHAIR : Cllr. J. Long, Mayor

COUNCILLORS : G. Fahy, J. Gilligan, M. Hourigan, C. Hurley, P. Kennedy, K. Kiely, J. Leddin, K. Leddin, D. McCarthy, G. McLoughlin, O. McLoughlin, K. O'Hanlon, M. Quinlivan, D. Scully and T. Shortt

STAFF : Mr. K. Lehane, City Manager
Ms. C. Curley, Director of Service
Mr. P. Dowling, Director of Service
Mr. O. O'Loughlin, Director of Service
Mr. D. Keane, Acting Director of Service
Mr. G. Dillon, Acting Director of Service
Mr. P. Murnane, Acting Head of Finance
Mr. K. Reeves, Acting Senior Planner
Mr. M. Connolly, Accountant
Mr. J. Delaney, Senior Executive Officer
Ms. E. Creamer, Staff Officer

APOLOGIES : Cllr. M. Byrne

His Worship the Mayor, Cllr. Long welcomed members of the public to the Council Chamber and asked that no cameras be used and that all mobile phones be switched off.

Cllr. Gilligan asked that His Worship the Mayor, Cllr. Long consider taking Item 17 at this stage.

Cllr. Scully stated that His Worship the Mayor, Cllr. Long was not asked in advance of the meeting to take Item 17 at the start of the meeting and it was not discussed at the Corporate Policy Group either. He said the Agenda should proceed as is and that Item 17 be dealt with in the same order as the agenda.

Cllr. Quinlivan apologised for not attending the Pre Council Meeting in the Mayor's Office, however, stated that this Notice of Motion was submitted a month ago and should have been dealt with at a previous Council Meeting and urged the Mayor to deal with this item now.

In reply to Members request for clarification, the City Manager referred to No. 8(b) of Standing Orders which stated that 'At any ordinary meeting of the Council it shall be proper, if a majority of the Members present and voting so decide, to take an item for consideration out of the sequence of listing on the agenda, provided always that such decision shall not affect any business required by Statute to be done before any other business at the meeting'.

It was proposed by Cllr. Shortt, seconded by Cllr. J. Leddin and unanimously agreed to adjourn the meeting for five minutes.

The Meeting resumed at 4.24 p.m.

His Worship the Mayor, Cllr. Long stated that Items 1 – 6 will be dealt with first and then Item 17 would be dealt with.

His Worship the Mayor, Cllr. Long referred to Mr. Steve Collins and his family who left the country at the weekend and extended them very best wishes for the future.

1. MINUTES

On the proposition of Cllr. Kiely, seconded by Cllr. Gilligan, it was unanimously agreed :

“That the Minutes of Monthly Meeting of Limerick City Council held on 27th February, 2012, copies of which were circulated, be and the same are hereby confirmed”.

2. MINUTES

On the proposition of Cllr. Kiely, seconded by Cllr. Gilligan, it was unanimously agreed :

“That the Minutes of Adjourned Monthly Meeting of Limerick City Council held on 6th March, 2012, copies of which were circulated, be and the same are hereby confirmed”.

3. MINUTES

On the proposition of Cllr. Kiely, seconded by Cllr. Gilligan, it was unanimously agreed :

“That the Minutes of Special Meeting of Limerick City Council held on 24th February, 2012, copies of which were circulated, be and the same are hereby confirmed”.

4. MINUTES

On the proposition of Cllr. Kiely, seconded by Cllr. Gilligan, it was unanimously agreed :

“That the Minutes of Special Meeting of Limerick City Council held on 27th February, 2012, copies of which were circulated, be and the same are hereby confirmed”.

Cllr. Scully asked that a correction be made to the Minutes. He said Cllr. Bourke was impartial and fair as Mayor, and not partial as stated in the minutes.

5. CHAIRMAN'S REPORT, TRANSPORTATION AND INFRASTRUCTURE STRATEGIC POLICY COMMITTEE MEETING HELD ON 12TH MARCH, 2012.

The Chairman's Report, Transportation and Infrastructure Strategic Policy Committee Meeting held on 12th March, 2012, was noted.

Cllr. O'Hanlon stated that, in his opinion, the Chairman's Report does not reflect accurately the matters raised at the Meeting adding that Shannon Airport was discussed at the meeting, however, no reference is made to same in the Chairman's Report. He pointed out that presentations are being given at meetings which leave very little time for discussion on other matters.

In reply, the Acting Director of Service (Transportation and Infrastructure) stated that the Chairman's Report is only a synopsis of what went on at the meeting adding that the Minutes are more detailed.

Cllrs. Hourigan and G. McLoughlin congratulated all concerned on the Bike Scheme and Smarter Travel. There is great work done on Shannon Banks and Cllr. G. McLoughlin enquired if the lanes and footpaths will be extended out to the University of Limerick.

The Acting Director of Service (Transportation and Infrastructure) confirmed that the cycle lanes and footpaths will go the full way to the University.

Cllr. Hourigan asked what the present situation is in relation to the traffic wardens and was informed by the Acting Director of Service that two options are being looked at, one is to outsource the service and the other is to retain the service in-house and a decision will issue once the financial examination of same is complete.

Cllr. Quinlivan expressed concern at the condition of the road in Cosgrave Park and asked for a copy of the Roads Programme. He also asked for a copy of the Irish Water Presentation.

Cllr. Gilligan referred to the setting up of an Irish Water Authority and stated that he has no objection to the setting up of this Authority, however, he would be totally opposed to the privatisation of the water service. He stated that the Irish Water Authority should be asked to identify what they intend to do in the future.

The Acting Director of Service (Transportation and Infrastructure) agreed to circulate a copy of the Roads Programme and the Irish Water Presentation to all Members.

6. CHAIRMAN'S REPORT AND RECOMMENDATIONS, ECONOMIC POLICY DEVELOPMENT AND FUTURE PLANNING STRATEGIC POLICY COMMITTEE MEETING HELD ON 20TH MARCH, 2012.

The Chairman's Report, Economic Policy Development and Future Planning Strategic Policy Committee Meeting held on 20th March, 2012, was noted.

Submitted the following Recommendation from the Economic Policy Development and Future Planning Strategic Policy Committee Meeting held on 20th March, 2012, which was adopted unanimously on the proposition of Cllr. Scully, seconded by Cllr. Hourigan :

“That the headquarters of the new local authority of Limerick and the Limerick City & County VEC should remain within the core City Centre Area”.

Cllr. Scully proposed the following Recommendation :

“That Limerick City Council recommend to the Minister for Transport that :

- (1) Shannon Airport be separated from the Dublin Airport Authority.
- (2) Shannon Airport remain in the state ownership.
- (3) Limerick City Council be represented on the Board of the new Shannon Airport Authority.
- (4) In light of the central role played by Shannon Airport staff in the creation of Aer Rianta International, a company now valued at €400m and in the ownership of the D.A.A., that Shannon's debt to the D.A.A. be written off.
- (5) Measures be put in place to ensure Shannon is adequately funded into the future.

- (6) The interests of existing staff members at Shannon Airport be legally protected during any transition”.

This recommendation was seconded by Cllr. Hourigan and unanimously agreed.

Cllr. J. Leddin said Shannon Airport is a very important infrastructure which is vital for the economic development of this region and needs to be separated from Dublin Airport Authority but it is important to take into consideration the considerable debt which Shannon Airport has. A new agency needs to be formed if separating from the D.A.A. Shannon Airport has huge opportunities and potential and said the above proposal should be forwarded to Minister Varadkar and that a meeting be organised between the Mayor, City Manager and relevant Director of Service to put together such submission.

Cllr. Scully wished to place on record his appreciation for the staff and students of the University of Limerick who are undertaking an engagement exercise with the business community and community groups in relation to the City Centre Review.

Cllr. K. Leddin referred to the public consultations being carried out in relation to the City Centre Review on 31st March, 2012 in the Milk Market and the Crescent Shopping Centre and suggested that it be carried out also outside Brown Thomas or some other central location in the city centre.

Cllr. Shortt welcomed the review of the Casual Trading Bye Laws and enquired how long this review will take. He referred to the streets surrounding the Milk Market which are very important to the whole market, however, problems are being experienced there with traffic and parking. The review will deal with this problem and help the whole area operate more efficiently. He said the public should be asked to make submissions also.

Cllr. J. Leddin asked that a copy of the existing Casual Trading Bye Laws be circulated to all Members. Residents in the Market area should also be included in the review of the Bye Laws and casual trading should be extended to other areas of the city.

Cllr. Quinlivan also welcomed the review of the Casual Trading Bye Laws and said there are issues in relation to casual trading surrounding Thomond Park on match days which are causing a lot of concern to residents in the vicinity of the Park and expressed hope that the review will also deal with these problems.

The Director of Service agreed to circulate a copy of Issues Paper and copy of existing Casual Trading Bye Laws to all Members. She said it is hoped to have the new Bye Laws in place for the Autumn.

Cllr. J. Leddin enquired if there has been any progress on the Opera Centre site and the possibility of opening up some of the ground floor units to encourage economic activity.

In reply, the Director of Service (Regeneration) stated that he is working closely with the Department of Environment, Community and Local Government to get the best use for the Opera Centre site for the benefit of the city. Every effort is being made to encourage the use of the ground floor units in the interim.

Cllr. O'Hanlon congratulated all involved in the organisation of the St. Patrick's Day and Band Parades. Both are very important for the economy of the city and he acknowledged the hard work which went into same.

Item No. 17 was taken at this stage.

17. NOTICE OF MOTION

Submitted the following Notice of Motion, due notice of which was given :

“Limerick City Council is opposed to the imposition of the Household Tax.

This Council calls on the Government to rethink the €100 charge because it is an unfair tax which takes no consideration of a person's income or ability to pay”.

Signed : Cllr. Maurice Quinlivan
Cllr. John Gilligan

Cllr. Quinlivan proposed the motion. He welcomed and thanked the members of the public who had attended the meeting to demonstrate their opposition to this tax.

He said the motion should have been on the agenda for the February monthly meeting when it was first submitted. He wanted to know who had requested the legal opinion in the first instance, the cost of it and whether a surcharge would be applicable. He said the tax is unfair as it does not take ability to pay into consideration. He advised that recent surveys had concluded that a significant number of Irish people are not in a position to pay this tax. He said the money raised will not be used to fund local services but to pay back bank debt. In his opinion, the tax should be scrapped and the local government fund restored. He concluded by requesting support from Councillors to scrap this unfair tax.

Cllr. Gilligan seconded the motion. He also welcomed the members of the public present opposing the tax. He said that the motion was not illegal but it may have been uncomfortable for some. He said it will not bring any additional finance to local government.

Cllr. O'Hanlon spoke of the unfair nature of the tax. He referred to the confusion regarding the methods of payment and said if this is a local tax then local people should have a role in how it is levied and how much is levied. The deadline of next Saturday for payment is unworkable.

The City Manager referred to the role of the Corporate Policy Group in the matter of the legal opinion. He quoted from Section 133 (5) (a) of the Local Government Act 2001 which stated “The Policy Group may request the Manager to provide a report to the Policy Group on any matter or thing related to a function of the Local Authority and specified by the Policy Group”. He said it was a valid request from the Corporate Policy Group and regarding cost, he did not have exact figures other than stating that it would be a minimum charge.

Cllr. Scully said he had problems with the motion on first viewing and still had problems with it following receipt of the legal opinion. The charge is not levied locally but is a national charge that has been legally introduced by Dail Eireann.

Cllr. Scully proposed an Amendment as follows :

“That Limerick City Council calls on the Government to replace the €100 charge in 2013 with a progressive tax which takes into consideration a person's ability to pay”.

The Amendment was seconded by Cllr. Hourigan.

As all Members were not in agreement, a Roll Call Vote was held which resulted as follows :

FOR THE AMENDMENT

His Worship the Mayor, Cllr. Long, Cllr. Fahy, Cllr. Hourigan, Cllr. Hurley, Cllr. J. Leddin, Cllr. McCarthy, Cllr. G. McLoughlin, Cllr. O. McLoughlin, Cllr. Scully and Cllr Shortt (10)

AGAINST THE AMENDMENT

Cllr. Kiely, Cllr. K. Leddin, Cllr. O'Hanlon and Cllr. Quinlivan (4)

Cllr. Gilligan stated that he was refusing to vote on the motion but was not abstaining.

As a result of the Roll Call Vote, the Amendment was carried.

Cllr. G. McLoughlin stated that, in future, where meetings are disrupted by people in the public gallery, then the meeting should be adjourned immediately.

His Worship the Mayor, Cllr. Long said he was deeply disturbed with the scenes in the Council Chamber and that if it occurs in the future he will ensure that discussion on such matters are held in committee.

7. CORRESPONDENCE

Submitted list of tenders opened in respect of the following :

Waste Disposal and Recovery from Park Road Recycling.
Topographical Survey for Harveys Quay Site.
Site Investigation for Harveys Quay.
Weed Spraying Contract 2012/2013.

8. PARTICIPATION BY MEMBERS AT CONFERENCES

It was proposed by Cllr. Hourigan, seconded by Cllr. Kiely and unanimously agreed to approve participation by Members at the following conferences :

Launch of 'Monitoring Integration in Dublin' and workshops on integration in employment, integration in education, social inclusion and civic and political participation

Held in Woodquay Venue, Dublin

27th March, 2012

Estimated Travel and Subsistence : €340.54

Conference Fee : Nil

Seminar organised by Amnesty International Ireland and the Centre for Disability Law and Policy, NUI Galway 'Looking globally, legislating locally: the Irish legal Capacity Bill'

Held in The Radisson Blue Royal Hotel, Golden Lane, Dublin 2.

3rd April, 2012

Estimated Travel and Subsistence : €340.54

Conference Fee : Nil

Nuclear Free Local Authorities Seminar 'Nuclear Developments across the Irish sea and Sustainable Energy Communities in Ireland'

Held in Dundalk Town Hall, Dundalk, Co. Louth

20th April, 2012

Estimated Travel and Subsistence : €439.78
Conference Fee : Nil

Conference organised by TGR Seminars entitled 'The EPA Urban Water Discharges Report'
Held in Kilmurry Lodge Hotel, Kilmurry, Limerick
20th - 22nd April, 2012

Estimated Travel and Subsistence : Nil
Conference Fee : €145.00

Irish Planning Institute National Planning Conference 2012 entitled 'Planning to lead the way:
embracing challenges and creating opportunities'

Held in Kilkenny Ormonde Hotel, Ormonde Street, Kilkenny
26th - 27th April, 2012

Estimated Travel and Subsistence : €364.47
Conference Fee : €490.00 (One Day Rate €260.00)

Listowel Annual Conference

'The economic potential for arts and cultural tourism'

Held in St. John's Theatre and Arts Centre, Listowel, Co. Kerry

26th - 27th April, 2012

Estimated Travel and Subsistence : €197.60
Conference Fee : €150.00

Sheehy Skeffington School 'Putting human rights at the heart of the good society'

Held in Liberty Hall, Dublin

28th April, 2012

Estimated Travel and Subsistence : €340.54
Conference Fee : Nil

BMW Regional Assembly Annual Conference 'Renewable Energy – Revitalising Ireland's Regions'

Held in TF Royal Hotel, Castlebar, Co. Mayo

30th April, 2012

Estimated Travel and Subsistence : €316.92
Conference Fee : Nil

STANDING ORDERS

Standing Orders were suspended for fifteen minutes on the proposition of Cllr. Scully, seconded by Cllr. Kiely.

9 (a) FINANCIAL STATEMENT

Submitted Financial Statement for the month of February, 2012, which was adopted unanimously on the proposition of Cllr. Scully, seconded by Cllr. Kiely.

9 (b) UNAUDITED ANNUAL FINANCIAL STATEMENT FOR YEAR ENDED 31ST DECEMBER, 2011

The Acting Head of Finance made a detailed presentation to the Members on the Council's current finances in terms of the following :

- National financial environment and the impact locally
- Local and national income sources and trends

- Expenditure details and trends
- Summary details on the unaudited Annual Financial Statement 2011

It was proposed by Cllr. Scully, seconded by Cllr. Kiely and unanimously agreed to approve unaudited Annual Financial Statement for year ended 31st December, 2011.

Cllr. Hurley noted a typographical error in the accompanying report to the Annual Financial Statement 2011.

Cllr. Scully paid tribute to the work done in maintaining a positive accounting position despite the difficult external environment.

9 (c) SETTING ASIDE OF TRANSFERS TO THE CAPITAL ACCOUNT

It was proposed by Cllr. Scully, seconded by Cllr. Kiely and unanimously agreed to approve the setting aside of transfers to the Capital Account (as per report attached to Council Agenda) to specific ring fenced reserves in line with the provisions of the Local Authority Accounting in Ireland Code of Practice and Accounting Regulations.

9 (d) OVER EXPENDITURE FOR YEAR ENDED 31ST DECEMBER, 2011

It was proposed by Cllr. Scully, seconded by Cllr. Kiely and unanimously agreed to approve the over expenditure for year ended 31st December, 2011.

9 (e) LOCAL GOVERNMENT AUDITOR'S REPORT ON ANNUAL FINANCIAL STATEMENT FOR YEAR ENDED 31ST DECEMBER, 2010, INCLUDING THE AUDITED ANNUAL FINANCIAL STATEMENT FOR YEAR ENDED 31ST DECEMBER, 2010

The Local Government Auditor's Report on Annual Financial Statement for year ended 31st December, 2010, including the Audited Annual Financial Statement for year ended 31st December, 2010, was noted.

10. RESPONSE TO CORRESPONDENCE RECEIVED FROM THE OFFICE OF THE ATTORNEY GENERAL IN CONNECTION WITH THE PROPOSED FORTHCOMING STATUTE LAW REVISION BILL 2011

It was proposed by Cllr. Gilligan, seconded by Cllr. J. Leddin and unanimously agreed to approve response, as circulated to Members, to correspondence received from the Office of the Attorney General in connection with the proposed forthcoming Statute Law Revision Bill 2011.

11. LIMERICK CITY COUNCIL CEMETERY BYE LAWS

Cllr. J. Leddin raised an issue with the proposed transfer of ownership of certain graves back to Council, after a specified period, that were no longer being maintained by the family.

It was agreed to defer consideration of the Limerick City Council Cemetery Bye Laws to a future meeting to allow further review on the specific matter raised by Cllr. J. Leddin.

12. PRESENTATION AND COLLECTION OF HOUSEHOLD WASTE AND COMMERCIAL WASTE BYE LAWS (AS AMENDED) 2012.

It was proposed by Cllr. Scully, seconded by Cllr. Hourigan and unanimously agreed to approve Presentation and Collection of Household Waste and Commercial Waste Bye Laws (as amended) 2012 which will come into affect on 7th May, 2012.

Cllr. J. Leddin referred to the amount of waste being dumped in boarded up houses.

Cllr. G. McLoughlin requested that a clean up be organised for St. Mary's Park.

In reply, the Director of Service (Environment and Planning) agreed to assess and review this matter.

13. PLANNING PROPOSALS AND DECISIONS

The Meeting noted the list of Planning Proposals under consideration at 16th March, 2012 and Decisions taken from 20th February, 2012 to 16th March, 2012.

14. MANAGER'S REPORT DATED 29TH FEBRUARY, 2012

It was proposed by Cllr. Shortt, seconded by Cllr. J. Leddin and unanimously agreed to approve Manager's Report dated 29th February, 2012 :

“Phased repair and restoration of the bandstand. Refurbishment works will include new roof covering to match original, replacement of cast iron roof finials and barge, new roof drainage, repair of limestone kerbs, renewal of concrete floor with new ramped limestone pavement to improve access and rainwater drainage and provision of electrical services and lighting for use by performers at The Peoples Park, Limerick. This is a protected structure Ref. No. RPS316” (C11/7)

15. NOTICE OF MOTION

Submitted the following Notice of Motion, due notice of which was given, which was proposed by Cllr. G. McLoughlin :

“The establishing of a new ethos in Limerick City Hall around procurement is recommended. New guidelines for all contracts to be reconsidered in line with the published guidelines from the EU (see October 2010 article entitled 'Buying Social'). This should be done to ensure that there is more social currency and employment in the regeneration areas”. Signed : Cllr. Gerry McLoughlin

It was agreed that the City Council would arrange a presentation to the Members at a future Council Meeting on how social requirements can be incorporated into procurement in accordance with EU Guidelines.

16. NOTICE OF MOTION

Submitted the following Notice of Motion, due notice of which was given, which was referred to the Transportation and Infrastructure Strategic Policy Committee :

“Reduce speed limits in all housing estates to 30KPH”. Signed : Cllr. Gerry McLoughlin

18. ANY OTHER BUSINESS

His Worship the Mayor, Cllr. Long advised Members that Limerick City Council's representation on the Shannon Foynes Port Company had expired. It was agreed that His Worship the Mayor, Cllr. Long would write to the relevant Minister with responsibility for Ports requesting that the City Council's representation on Shannon Foynes Port Company be continued.

THE MEETING THEN CONCLUDED

A TRUE RECORD

**K. LEHANE
CITY MANAGER**

CONFIRMED THIS _____ DAY OF _____ 2012.

MAYOR OF LIMERICK